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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri Justice Satish K. Agnihotri

WRIT PETITION (C) NO. 2186 OF 2007

Petitioner — Asha Agrawal, W/o Bijay Kumar Agrawal, Aged about 33 years, Proprietor – Rajgharana Sari Shop, J-47, Textile Market, Pandri, Raipur. Represented through her Husband, Power of Attorney Holder on her behalf – Bijay Kumar Agrawal, S/o Late Shri Satyanarayan Agrawal, Aged about 40 years, R/o Pandri, Raipur (CG).

Versus

Respondent — Vikesh Kumar Saraf, S/o Shri Ashok Chand Saraf, Aged about 25 years, R/o In front of Gokul Chandrama Mandir, Budhapara, Raipur (CG).

Present :- Shri Ashok Soni, counsel for the petitioner.

O R D E R
(Passed on 10th April, 2007)

The petitioner has filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short "the Code") for making certain amendments in the written statement on the basis of provisions of Sections 5 and 6 of the Chhattisgarh Accommodation Control Act, 1961 (for short "the Act"). The IXth Additional District Judge, Raipur, by order dated 8-2-2007 (Annexure-P/1) rejected the same on the ground that proviso to Rule 17 of Order VI of the Code clearly provides that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that inspite of due diligence, the party could not have raised the matter before the commencement of trial and on the ground that the amendments and written statements based on provisions of law cannot be held that the petitioner could not raise earlier despite due diligence. The application was accordingly dismissed.

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2) There is no infirmity, illegality or jurisdictional error in the impugned order as to call for indulgence of this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

3) In view of the above, the petition deserves to be dismissed and is accordingly dismissed.

4) Consequently, I.A.No.1, application for interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge